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THE MINNEHAHA COUNTY COMMISSION CONVENEED AT 9:00 A.M. March 5, 2019, pursuant to adjournment on February 26, 2019. Commissioners present were: Barth, Bender, Beninga, and Karsky. Commissioner Heiberger was absent. Also present were Olivia Larson, Commission Recorder, and Margaret Gillespie, Senior Deputy State's Attorney.

Judge John Pekas administered the Oath of Office to Auditor Robert Litz for his term of Office.

MOTION by Barth, seconded by Beninga, to approve the agenda. 4 ayes.

#### MINUTES APPROVAL

MOTION by Beninga, seconded by Barth, to approve the February 26, 2019, Commission Minutes. 4 ayes.

MOTION by Barth, seconded by Beninga, to approve the February 26, 2019, Joint Minnehaha County/City of Sioux Falls Minutes. 4 ayes.

#### VOUCHERS TO BE PAID

MOTION by Karsky, seconded by Beninga, to approve the following bills totaling \$518,227.56. 4 ayes.

A&B Business	Lease-Rental Agmt	236.82
A&B Business	Maint Contracts	391.12
Advance Auto Parts	Automotive/Small Equip	20.00
Airway Svc	Automotive/Small Equip	107.22
Airway Svc	Gas Oil & Diesel	80.09
Anderson, Scott A	Business Travel	31.92
Andersons Collision	Professional Svcs	110.00
Anthony Begley	Professional Svcs	1,250.00
Automatic Building	Maint Contracts	560.00
Avera McKennan	Clinics Auxiliary Svcs	21.00
Avera McKennan	Hospitals	5,573.00
Avera McKennan	Physicians	100.29
Avera McKennan	Professional Svcs	10.00
Avera McKennan	Psych Evals	2,000.00
Axis Forensic Toxicology	Lab Costs	375.00
Balampaki, Nabin	Interpreters	25.00
Balampaki, Nabin	Interpreters	50.00
Berdmere I	Welfare Rent	500.00
Blomker, Douglas	Misc Exp	74.99
Bmo Harris Bank	Investigators Exps	16.75
Bosman, Joseph	Uniform Allowance	252.98
Braun, Mason	Investigators Exps	121.80
Brende & Meadors	Attorney Fees	1,504.00
Brentwood Apts	Welfare Rent	650.00
Budget Auto Repair	Automotive/Small Equip	65.30
CBM Managed Svcs	Board Of Prisoners Meals	12,291.81
Century Business	Lease-Rental Agmt	231.14
Centurylink	Contract Svcs	21.90
Centurylink	Telephone	460.45
Chagolla, Albert	Interpreters	100.00
Cheney Lake	Welfare Rent	500.00
Childrens Home Soc	Misc Exp	89,250.00
Cleanslate Design	Store Inventory	1,360.00
Cleveland Heights	Welfare Rent	199.00
Computer Forensic	Attorney Fees	1,060.00
Constellation	Natural Gas	852.36
Dakota District Pipe	Program Activities	200.00
Dell Rapids Com	Ambulance Svcs	12,500.00
Denherder Law	Attorney Fees	180.09
Dewey, Craig	Business Travel	84.00

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Diversified Property	Welfare Rent	204.00
Dover, Sena S	Bd Evals (Minnehaha)	922.50
Dust Tex Svc	Janitorial Chemical Sup	15.58
EH Hospitality	Motels	580.00
Electric Construct	Electrical Repairs & Maint	182.65
Embe	Education & Training	150.00
Empire Baptist	Misc Revenue	150.00
Empire Plastics	Exhibit Materials	628.00
Erpenbach, John E	Recruitment	800.00
Fit My Feet	Uniform Allowance	100.00
Fox & Youngberg	Attorney Fees	206.82
Gaylord Bros	Program Activities	387.45
Goebel Printing	Printing/Forms	40.56
Gonnerman, Adam	Investigators Exps	71.82
Great Plains Psych	Psych Evals	2,830.00
Guzman, Sandra V	Interpreters	75.00
Harmelink Fox & Ravn	Attorney Fees	409.12
Holiday Inn	Program Activities	120.00
Horizon Agency	Insurance Admin Fee	2,691.00
Hughes Law	Attorney Fees	527.15
Humboldt Fire & Amb	Transportation	300.00
HyVee	Pharmacies	682.08
HyVee	Program Activities	81.55
Ideal Yardware	Small Tools & Shop Sup	19.14
Interim Healthcare	Professional Svcs	2,272.00
Interstate Office	Office Sup	105.81
Jake Enterprise	Welfare Rent	500.00
Jastram, Mark	Investigators Exps	28.98
Jefferson Partners	Transportation	1,137.50
Joe Barber	Sign Deposits	50.00
Johnson Controls	Building Repairs & Maint	1,437.26
Johnson, Richard L	Attorney Fees	438.98
Johnson, Richard L	Child Defense Attorney	1,054.68
Karsky, Dean	Business Travel	218.36
Katheryn Cranbrook	Attorney Fees	5,300.00
Katterhagen, Mark	Bd Exp Fees (Yankton)	22.50
Kauffman, David W Ph	Psych Evals	3,583.50
Kennedy Pier & Loftu	Attorney Fees	1,443.90
Konda, Yousif	Interpreters	175.00
Lamp	Interpreters	279.00
Laughlin Law	Attorney Fees	3,309.90
Lewno Law	Bd Exp Fees (Yankton)	190.00
Lockwood, Darcy	Bd Exp Fees (Yankton)	22.50
Lutheran Social Svcs	Diversion Programs	1,835.00
Lutheran Social Svcs	Evening Report Center	6,396.34
Lutheran Social Svcs	Shelter Care/Reception Center	59,314.14
Marsh & McLennan	Notary Exp	100.00
Medical-Legal Analys	Professional Svcs	240.00
Medstar Paramedic	Transportation	3,800.00
Menard	Exhibit Materials	61.00
Menard	Janitorial Chemical Sup	115.00
Menard	Program Activities	21.12
Mesa Apts	Welfare Rent	1,000.00
Metro Communications	Clinics Auxiliary Svcs	480.00
Metro Communications	Misc Exp	189,785.36
Midamerican Energy	Natural Gas	10,278.33
Midamerican Energy	Welfare Utilities	378.18
Midcontinent Com	Amounts Held For Others	190.00
Mikelson Law	Attorney Fees	293.50
Minnehaha County	Clinics Auxiliary Svcs	20.80
Minnehaha County	Gas Oil & Diesel	12.25
Minnehaha County	Office Sup	25.35
Minnehaha County	Other Sup	120.00
Minnehaha County	Postage	16.50
Minnehaha County	Professional Svcs	31.91

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Minnehaha County	Telephone	19.88
Mueller, Ronald	Welfare Rent	640.00
Multicultural Center	Interpreters	563.75
Napa Auto Parts	Automotive/Small Equip	11.74
Nguyen, Lam	Interpreters	25.00
Novak	Office Sup	59.95
Nybergs Ace Hardware	Tea-Ellis Range	23.12
Oconnor Company	Janitorial Chemical Sup	419.15
Olivier Miles Holtz	Attorney Fees	9,666.65
Parsai, Bal	Interpreters	25.00
Pioneer Enterprises	Burials	5,000.00
Price, Thomas L Phd	Professional Svcs	56.20
Qualified Presort	Postage	120.75
Quality Efficiencies	Motels	60.00
Redwood Estates	Welfare Rent	675.00
Reliance Telephone	Telephone	4.00
Reynolds Law	Attorney Fees	5,344.33
Reynolds Law	Child Defense Attorney	3,923.90
Risty, Maxine J	Court Reporters	275.40
Roberts, Yvonne	Welfare Rent	600.00
Safe Home	Misc Revenue	-731.43
Safe Home	Notes Rec Safe Home	-2,862.66
Safe Home	Rent Subsidies	10,909.00
Sams Club	Other Sup	13.32
Sams Club	Professional Svcs	1,599.69
Sams Club	Work Mileage	46.51
Sanford Clinic	Insurance-Other Costs	96.00
Sanford Clinic	Misc Exp	46.28
Sanford Clinic	Other Medical Svcs	247.02
Sanford Clinic	Professional Svcs	559.10
Schoeneman Bros	Exhibit Materials	301.80
SDACC	Misc Exp	100.00
SD Human Svcs	Clinics Auxiliary Svcs	115.00
Sioux Falls City	Gas Oil & Diesel	266.27
Sioux Falls City	Welfare Utilities	145.48
Sioux Falls Rubber	Office Sup	47.90
Sioux Valley Energy	Welfare Utilities	182.44
Southeastern Behavior	Professional Svcs	4,887.50
State of SD	Amts Held-Daily Scram	3,614.00
State of SD	Amts Held-Remote Breath	124.00
State of SD	Dentists	576.30
State of SD	Misc Exp	24.00
State of SD	Professional Svcs	346.00
State of SD	Telephone	24.75
Steven R Binger	Attorney Fees	3,500.00
Streichers	Ammunition	4,397.24
Szameit, Alexandra	Interpreters	450.00
Tammen Auto & Tire	Automotive/Small Equip	34.33
Thomson Reuters	Legal Research	748.38
Tires Tires Tires	Gas Oil & Diesel	31.40
Two Way Solutions	Communication Equip Repair	48.75
US Foods	Professional Svcs	53.68
US Testing Equip	Lease-Rental Agmt	1,335.00
Walmart Stores	Pharmacies	59.49
Walton, Marcus	Attorney Fees	3,484.40
Walton, Marcus	Child Defense Attorney	6,330.80
Whittier Apts	Welfare Rent	63.00
Wilka & Welter	Child Defense Attorney	7,216.97
Willadsen Lund Engin	Sign Deposits	50.00
Woodall, Kristin A	Court Reporters	37.40
Woods Fuller Shultz	Professional Svcs	82.50
Xcel Energy	Welfare Utilities	260.03
Yankton County	Return Of Svc	150.00
Yemam, Nassir	Interpreters	25.00

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## REPORTS

The 2018 Human Services Medical and Substance Expenditure Report and the January 2019 Juvenile Detention Center Report were received and placed on file in the Auditor's Office.

## PERSONNEL

MOTION by Karsky, seconded by Beninga, to approve the following personnel changes. 4 ayes.

### New Hires

1. Katheryn Dunn, Senior Deputy Public Defender for the Public Defender's Officer, at \$3,018.40/biweekly (22/7) effective 3/11/19.
2. Desiree Murray, Pretrial Coordinator for Pretrial Services, at \$18.90/hour (12/3) effective 3/7/19.
3. Martin Neal, variable hour Certified Civil Process Server for the Sheriff's Office, at \$21.00/hour effective 3/4/19.

### Promotions

1. Spencer Matson, Air Guard Security Officer I for Air Guard to Deputy Sheriff for the Sheriff's Office, at \$23.02/hour (17/1) effective 3/4/19.

### Step Increases

1. Jared Terrones – Deputy Sheriff – Sheriff's Office – 17/7 - \$26.71/hour – 2/28/19

### Special Personnel Action

To recognize the following significant employee anniversaries for March 2019: 15 years – Amy Libengood and Joshua Phillips.

To record volunteers in County Departments for February 2019. This list is on file at Human Resources.

## NOTICE

MOTION by Beninga, seconded by Karsky, to authorize the Auditor to publish a Notice of Hearing on March 26, 2019, for a Retail On-Sale Liquor License Application submitted by TDC Enterprises. 4 ayes.

## PLANNING & ZONING NOTICES

Kevin Hoekman, Planner, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing for an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from R1 Residential District to C Commercial District on property legally described as Lots 10 through 23 of Block 5, Lyons Village Addition in Section 17-T103N-R50W, Lyons Township, Minnehaha County, South Dakota., located in the north part of the village of Lyons. MOTION by Beninga, seconded by Karsky, to authorize the Auditor to publish a Notice of Hearing on March 26, 2019, to consider the rezoning amendment, #18-08. 4 ayes.

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Kevin Hoekman, Planner, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing for an amendment to the 2001 Revised Joint Zoning Ordinance for Minnehaha County and the City of Dell Rapids to rezone from A-1 Agricultural District to I1 Light Industrial District on property legally described as the N500' S540' E1,059.57'; N316.05' S856.05' E775.93'; and N261' S1,117.05' E471.01'; (ex. Lot H-7) all in SE1/4 SW1/4, Section 12-T104N-R50W, Burk Township, Minnehaha County, South Dakota, located approximately 2.5 miles west of Dell Rapids at 47138 246<sup>th</sup> Street. MOTION by Barth, seconded by Beninga, to authorize the Auditor to publish a Notice of Hearing on March 26, 2019, to consider the rezoning amendment, #19-02. 4 ayes.

David, Heinold, Planner, gave the first reading and requested authorization for the Auditor to publish a Notice of Hearing for an amendment to the 1990 Revised Zoning Ordinance for Minnehaha County to rezone from A-1 Agricultural District to I-1 Light Industrial District on property legally described as the North 277' of the South 344' of the East 234' of the West Half of the Northeast Quarter (W1/2 NE1/4) and Tract 1 Ode's Second Addition of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4); all in Section 32-T102N-R48W, Brandon Township, Minnehaha County, South Dakota, located approximately 1.5 miles west of Brandon at 1600 W. Holly Blvd. MOTION by Barth, seconded by Karsky, to authorize the Auditor to publish a Notice of Hearing on March 26, 2019, to consider the rezoning amendment, #19-03. 4 ayes.

#### LIEN COMPROMISE

Melinda Storley, Commission Assistant, gave a briefing on an application for a compromise of lien for DPNO 46028 in the amount of \$2,142.65. Public Defender, Court Appointed Attorney, and Poor Relief services were provided to the applicant's ex-spouse between February 2018 and January 2019. \$1,467.05 of the lien are from services provided by Brookings County. The applicant and her ex-spouse separated on June 11, 2018, and were divorced on November 26, 2018. The applicant is in the process of selling her home with a closing date of March 8, 2019. Her ex-spouse transferred his interest in the property by Quit Claim Deed on November 13, 2018. In order to sell the home, the applicant submitted a request to compromise the lien in full only as it applies to the real property with no payment or a payment of \$89.30 representing half of a Public Defender charge placed on the lien during her marriage. The applicant has been made aware that she will need to address the Brookings County charges with their Commission. MOTION by Barth, seconded by Beninga, to compromise DPNO 46028 in full upon payment of \$89.30 for the purposes of discussion. Commissioner Beninga commented on the lien having been paid in full in 2017 prior to the current charges. SUBSTITUTE MOTION by Karsky, seconded by Beninga, to approve Resolution MC19-6. Roll call vote on substitute motion: 4 ayes.

#### RESOLUTION MC19-6

WHEREAS, a County Aid Lien in the amount of \$2,142.65, purports to exist in favor of Minnehaha County and against DPNO 46028 as Lienee, and

WHEREAS, said lienee's ex-spouse has filed an application with the County Auditor stating such facts as provided for by Law,

NOW, THEREFORE, BE IT RESOLVED that after due consideration of the circumstances the Board of County Commissioners finds it advisable and proper to authorize the Chair of the County Board and the County Auditor to execute the following:

Compromise and release the lien in full with no payment only as it applies to the real property legally described as Lot 2 A, Block 13 of Rustic Hills Addition to the City of Sioux Falls, Minnehaha County, South Dakota according to the recorded plat thereof, located at 2700 S Avondale Court, Sioux Falls; leaving DPNO 46028 in the full amount of \$2,142.65 against the lienee.

Dated at Sioux Falls, South Dakota, this 5<sup>th</sup> day of February, 2019.

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**APPROVED BY THE COMMISSION:**

Jean Bender

Chair

**ATTEST:**

Olivia Larson

Deputy Auditor

Melinda Storley, Commission Assistant, gave a briefing on an application for a compromise of lien for DPNO 23603 in the amount of \$20,000. Public Defender, Court Appointed Attorney, Medical, and Dental services were provided to the applicant and a juvenile child between December 1988 and March 2005. Payments in the amount of \$601.00 have been made on the lien. The applicant acquired his mother's home after her passing and is in the process of refinancing. The loan closing is expected to be no later than March 28, 2019. The applicant is requesting to either compromise the lien in full upon payment of \$2,200 or to release the lien in full only as it applies to the real property with no payment. MOTION by Barth, seconded by Karsky, to compromise and release DPNO 46028 in full upon payment of \$2,200. In response to a question from Commissioner Beninga, Commissioner Karsky stated that the loan estimate provided by Great Western Bank to the applicant shows the value of the property at \$167,000. Commissioner Beninga spoke on his concern that the applicant inherited a property with equity, but has decided not to pay anything more than \$2,200 to the County for his legal representation. Commissioner Bender spoke on the difficulty of making a decision on this type of compromise request due to appreciating the applicant's rehabilitation while still having a responsibility to the tax payers of the County. Commissioner Beninga raised concerns regarding granting the compromise for a little more than 10% of the total, and spoke on the past precedence for compromising liens to 50% of the total in similar situations. MOTION WITHDRAWN by Commissioners Barth and Karsky. MOTION by Karsky, seconded by Barth, to defer action on the lien compromise request for DPNO 23603 for one week and to encourage the applicant to bring back an offer of a \$5,000 payment. By roll call vote: 3 ayes. Commissioner Beninga voted nay.

**PROCLAMATIONS**

Upon the request of Katherine Jager, South Dakota 4-H Program, MOTION by Beninga, seconded by Karsky, to issue a Proclamation Declaring March 13-14, 2019, as Sioux Empire Water Festival Days in Minnehaha County. 4 ayes.

**BRIEFING**

Jamie Gravett, Juvenile Detention Center Director, gave a briefing on the Juvenile Detention Center including detention alternatives, challenges, opportunities, projects, and 2018 statistics of intake calls, admissions, bed days, and average daily population.

**LEGISLATIVE UPDATE**

Carol Muller, Commission Administrative Officer, gave an update and status report of the 2019 Legislative Session on bills that impact Minnehaha County.

MOTION by Barth, seconded by Beninga, to recess the Minnehaha County Commission Meeting. 4 ayes.

MOTION by Barth, seconded by Karsky, to reconvene the Minnehaha County Commission Meeting. 4 ayes.

MOTION by Barth, seconded by Karsky, to enter into Executive Session pursuant to SDCL 1-25-2 (1) and (3). 4 ayes.

MOTION by Barth, seconded by Beninga, to adjourn. 4 ayes.

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The Commission adjourned until 9:00 a.m. on Tuesday, March 12, 2019.

APPROVED BY THE COMMISSION:

Jean Bender

Chair

ATTEST:

Olivia Larson

Deputy Auditor